

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/004967

International filing date (day/month/year)
25.11.2004

Priority date (day/month/year)
24.12.2003

International Patent Classification (IPC) or both national classification and IPC
G03C1/76, G03G5/14, B41M5/40

Applicant
EASTMAN KODAK COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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10/582677

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/GB2004/004967

1AP20 Rec'd PCT/PTO 14 JUN 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/004967

**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	12,17,18
	No: Claims	1-11,13-16,19
Inventive step (IS)	Yes: Claims	
	No: Claims	1-19
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/GB2004/004967

Re Item V.

1 The following documents are referred to in this communication:

D1 : JP 01 107255 A (FUJI) cited in the application
D2 : EP 0 615 158 A (KONICA)
D3 : EP 1 122 595 A (KODAK)
D4 : EP 1 069 471 A (KODAK)
D5 : EP 1 069 470 A (KODAK)
D6 : EP 1 052 542 A (KODAK)
D7 : US 2003/162122 A1 (NAIR ET AL.)
D8 : US 6 573 011 B1 (NAIR ET AL.)
D9 : US 6 274 298 B1 (NAIR ET AL.)
D10 : US 6 194 130 B1 (NAIR ET AL.)
D11 : US 6 153 363 A (NAIR ET AL.)
D12 : EP 0 352 067 A (WACO TECHNICAL)
D13 : DE 1 696 412 B (IBM)
D14 : GB 1 402 697 A (TEXACO)
D15 : US 2003/158050 A1 (KAWASAKI ET AL.)
D16 : US 3 116 247 A (MOORE ET AL.)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses a photographic element comprising a support, one silver halide emulsion layer, one interlayer with a fatty acid ester lubricant, and one outermost layer with a silicone lubricant in this order (cf. pages 7-8, example 1; page 9, table 1).

2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D2 discloses a photographic element comprising a support, one silver halide emulsion layer, one interlayer with a dibutyl phthalate and dibutyl phthalate lubricants [see page 4, lines

23-25; claims 1, 5 of D12; column 3, lines 24-26 of D13], and one outermost layer with a silicone lubricant in this order (cf. page 41, line 38-page 42, line 23; page 51, lines 37-44; page 52, lines 1-8).

2.3 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D3 discloses a photographic element comprising a support, one silver halide emulsion layer, one interlayer with a tri (2-ethylhexyl) phosphate lubricant [see page 3, lines 99-112 of D14; paragraphs 20-23 of D15; column 3, lines 14-20 of D16], and one outermost layer with a silicone lubricant in this order (cf. page 38, line 33; page 47, lines 27-52).

2.4 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Documents D4-D11 disclose the same aspects as D3. See page 19, lines 29-53; page 21, line 50 of D4; page 15, lines 26-50; page 18, line 22 of D5; page 10, lines 4-29; page 13, lines 46-47 of D6; paragraphs 98, 104 of D7; column 27, lines 1-23; column 32, line 19 of D8; column 17, lines 35-54; column 21, example S-6 of D9; column 17, lines 43-61; column 21, example S-6 of D10; column 19, lines 28-47; column 23, example S-6 of D11.

3 INDEPENDENT CLAIM 19

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 19 is not new in the sense of Article 33(2) PCT. Documents D1-D11 also disclose a method for processing their photographic elements in an alkaline developing solution. See passages mentioned in points 2.1-2.4 above.

4 DEPENDENT CLAIMS 2-18

Dependent claims 2-18 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

Re Item VII.

5.1 On page 13, line 30 the patent number 5 744 279 appears twice.

5.2 The attention of the applicant is drawn to the following error which appears to be correctable:

a. on page 20, line 13: "TABLE IV"

5.3 The statement of incorporation by reference on page 22, lines 12-13 should be deleted.

Re Item VIII.

6.1 Claim 1 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The claim attempts to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result.

6.2 The vague and imprecise statement in the description on page 22, lines 14-17 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.